

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SOFTEX LLC,

Plaintiff,

vs.

**ABSOLUTE SOFTWARE CORPORATION
AND ABSOLUTE SOFTWARE, INC.,**

Defendants.

Civil Action No. 1:22-CV-01308

JOINT MOTION TO EXTEND DEADLINES

Plaintiff, Softex LLC (“Softex”) and Defendants, Absolute Software Corporation and Absolute Software Inc. (“Absolute”), file this Joint Motion to Extend Plaintiff’s Responsive Claim Construction Brief deadline by one day to November 28, 2023 and Defendants’ Reply Claim Construction Brief deadline by two days to December 13, 2023. In support, the parties show the Court as follows:

1. On August 4, 2023, the Court set a date of November 27, 2023 for the Plaintiff to file its Responsive Claim Construction Brief and December 11, 2023 for the Defendants to file their Reply Claim Construction Brief. Dkt. 37.

2. On November 27, 2023, due to the Thanksgiving holiday, the parties filed a Joint Stipulation for Agreed Extended Deadlines, requesting a one-day extension to November 28, 2023 for Plaintiff’s Responsive Claim Construction Brief and a two-day extension to December 13, 2023 for Defendants’ Reply Claim Construction Brief. Dkt. 59. Softex filed virtually identical Joint Stipulations in related cases against Dell and HP. *See Softex LLC v. Dell Technologies*, No.

1:22-cv-01309-RP, (W.D. Tex.) (the “Dell Matter”) at Dkt. 85; *Softex LLC v. HP Inc.*, No. 1:22-cv-01311-RP (W.D. Tex.) (the “HP Matter”) at Dkt. 82.

3. On November 28, 2023, the Court issued a Deficiency Notice in the HP Matter, directing the parties to refile their “request in the form of a motion using the correction motion event and attach a proposed order as an attachment.” HP Matter at Dkt. 83.

4. Because the parties’ Joint Stipulation in the instant case was deficient for the same reasons identified by the Court in the HP Matter, the parties file this Joint Motion to Extend Deadlines to correct those deficiencies.

5. The proposed extensions will serve the interests of justice by allowing the parties the time necessary to fully and fairly present their claim construction arguments. The proposed extension is not intended to and will not cause undue delay.

Dated: November 30, 2023.

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| <u>/s/ Heidi L. Keefe</u> Heidi L. Keefe (CA Bar 178960) hkeefe@cooley.com Reuben H. Chen (CA Bar 228725) rchen@cooley.com Alexandra Leeper (admitted pro hac vice) aleeper@cooley.com 3175 Hanover Street Palo Alto, CA 94304 Telephone: (650) 843-5000 Telecopier: (650) 849-7400 Orion Armon (admitted pro hac vice) oarmon@cooley.com 1144 15th Street, Suite 2300 Denver, CO 80202 Telephone: (720) 566-4000 Telecopier: (720) 566-4099 | <u>/s/ Blair M. Jacobs</u> Blair M. Jacobs (DC Bar No. 471024) bjacobs@McKoolSmith.com Christina A. Ondrick (DC Bar No. 494625) condrick@McKoolSmith.com John S. Holley (TX Bar No. 24078678) jholley@McKoolSmith.com MCKOOL SMITH, P.C. 1999 K Street, NW, Suite 600 Washington, D.C. 20006 Telephone: (202) 370-8300 Telecopier: (202) 370-8344 John B. Campbell (TX Bar No. 24036314) jcampbell@McKoolSmith.com MCKOOL SMITH, P.C. 303 Colorado Street, Suite 2100 Austin, TX 78701 |
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| <p>Dustin M. Knight (admitted pro hac vice) dknight@cooley.com 11951 Freedom Drive 16th Floor Reston, VA 20190 Telephone: (703) 456-8000 Telecopier: (703) 456-8100</p> <p>Samuel K. Whitt (admitted pro hac vice) swhitt@cooley.com 1299 Pennsylvania Avenue, NW Suite 700 Washington, DC 20004 Telephone: (202) 842-7800 Telecopier: (202) 842-7899</p> <p><i>ATTORNEYS FOR DEFENDANTS ABSOLUTE SOFTWARE CORP. AND ABSOLUTE SOFTWARE, INC.</i></p> | <p>Telephone: (512) 692-8730 Telecopier: (512) 692-8744</p> <p>Casey L. Shomaker (TX Bar No. 24110359) cshomaker@McKoolSmith.com Matthew Folks (TX Bar No. 24116368) mfolks@McKoolSmith.com MCKOOL SMITH, P.C. 300 Crescent Court, Suite 1500 Dallas, TX 75201 Telephone: (214) 978-4218 Telecopier: (214) 978-4044</p> <p><i>ATTORNEYS FOR PLAINTIFF SOFTEX LLC</i></p> |
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on November 30, 2023, with the Clerk of the Court for the Western District of Texas by using the CM/ECF system, causing electronic service upon all counsel of record.

/s/ Blair M. Jacobs

Blair M. Jacobs